

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JASEN SILVER,

No. C 15-05643 JSW

Plaintiff,

v.

**ORDER OF DISMISSAL**

24 HOUR FITNESS USA, INC.,

Defendant.

\_\_\_\_\_ /

On December 10, 2015, Plaintiff Jasen Silver, filed the complaint against 24 Hour Fitness for alleged violations of the Telephone Consumer Protection Act, 47 United States Code section 227, *et seq.* On March 29, 2016, the Court granted Defendant's motion to dismiss the claim with leave to amend. The Order provided that Plaintiff was to file an amended complaint by no later than April 22, 2016. By stipulation of the parties and approval of the Court, this deadline was extended to May 6, 2016. On April 22, 2016, this Court granted Plaintiff's counsel motion to withdraw and Plaintiff thereafter appeared before the Court pro se. The Court has not received an amended complaint or any filing from the Plaintiff.

Accordingly, the Court on May 23, 2016, the Court issued an Order to Show Cause why this case should not be dismissed for failure to prosecute. Plaintiff was admonished to respond in writing whether he intended to continue to litigate this matter by no later than June 10, 2016, and that failure to respond in writing would result in dismissal of this action. Again, the Court has not received an any filing from the Plaintiff.

1 Accordingly, having received no further filings, this Court DISMISSES this action without  
2 prejudice for failure to prosecute. A separate judgment shall issue and the Clerk shall close the file.

3 **IT IS SO ORDERED.**

4 Dated: June 17, 2016

  
JEFFREYS. WHITE  
UNITED STATES DISTRICT JUDGE